

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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MICHAEL CARLTON LOWE, SR.,

Case No. 18-CV-3414 (NEB/DTS)

Plaintiff,

v.

**ORDER ACCEPTING  
REPORT AND RECOMMENDATION**

WILCO LIFE INSURANCE COMPANY,

Defendant.

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The Court has received the February 14, 2019 Report and Recommendation ("R&R") of United States Magistrate Judge David T. Schultz. [ECF No. 10.] The R&R recommends dismissing the action without prejudice for failure to prosecute because Plaintiff Michael Carlton Lowe failed to pay an initial partial filing fee of \$304.87 within 20 days of the Magistrate Judge's January 3, 2019 Order. [ECF No. 7]. As of the date of this order, Plaintiff had not yet paid the required initial partial filing fee. The Magistrate Judge also recommends denying Plaintiff's remaining motions [ECF No. 3; ECF No. 9] as moot in light of his failure to pay the required initial partial filing fee as previously ordered and as mandated by 28 U.S.C. § 1915(b).

No party has objected to the R&R, and the Court therefore reviews it for clear error.

*See Fed. R. Civ. P. 72(b); Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation [ECF No. 10] is ACCEPTED;
2. Plaintiff Michael Carlton Lowe, Sr.'s Motion for Summary Judgment [ECF No. 9] is DENIED AS MOOT;
3. Plaintiff Michael Carlton Lowe, Sr.'s Motion to Set Aside Declaration of Forfeiture [ECF No. 3] is DENIED AS MOOT; and
4. The action is DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 19, 2019

BY THE COURT:

s/Nancy E. Brasel  
Nancy E. Brasel  
United States District Judge